

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID EDWIN PLANK,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, et al.,

Defendants.

Case No. 2:12-cv-02205-JCM-PAL

ORDER

Before the court is Plaintiff's Second Status Report Regarding Discovery Stay (Dkt. #17). No opposition has been filed, and the time for filing a response has expired. However, the parties were ordered to file a joint status report

Plaintiff advises that his underlying criminal matter is still pending in the Eighth Judicial District Court, Case No. C-11-270425-1, and because of fifth amendment implications, requests that discovery in this matter remain stayed until the outcome of the criminal matter in state court is resolved. The court initially granted the parties' stipulation to stay this civil case until the outcome of the criminal case on April 10, 2013. *See*, Order (Dkt #15). At that time Plank's criminal trial was scheduled for May 6, 2013. On May 13, 2013 the parties submitted a status report as ordered indicating that the criminal trial had been continued to September 9, 2013. No reason was given why the trial was continued, or at whose request.

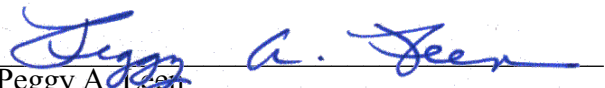
The current status reports explains that the first continuance occurred because the trial judge ordered the state to provide *Brady* information to Plank's counsel, and other information to be submitted for *in camera* review. The trial was recently continued until December 9, 2013 because the discovery had not yet been provided and the trial judge had not yet conducted the *in camera* review. Plaintiff asks that discovery remain stayed and that he file another status report on or before December 10, 2013. The court

1 accepts counsel's representations about why the trial in the underlying criminal case has been continued.

2 As it appears Plank is not delaying his criminal trial, and for good cause shown,

3 **IT IS ORDERED** that the stay remains in effect and Plaintiff shall file a status report on or
4 before **December 10, 2013**, to advise this court as to the status and/or outcome of the criminal case in
5 state court.

6 Dated this 17th day of October, 2013.

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8 
9 Peggy A. Leen
United States Magistrate Judge